IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15334 of 2005

Between:

M/s. ICOMM Tele Limited (formerlyu known as M/s. ARM Limited)
Nagaram Village, Keesara Mandal, R.R.Dist., Rep.by its Director P. Sumanth,S/o.P.Rama Rao, age 29 yrs, having its Registeres office at Trendset Towers, III Floor, Road.No.2 Banjara Hills, Hyderabad.

..... PETITIONER

AND

1 The District Collector R.R.District
Lakdi-ka-pool Hyderabad.
2 The Revenue Divisional Officer Ranga Reddy District
Goshamahal Hyderabad.
3 The Mandal Revenue Officer
Keesara Mandal Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ of the like nature declaring the proceedings No.B/1217/2005-1, dated 25-06-2005 of the 3rd respondent as illegal, arbitrary and unconstitutional and to pass such other order or further orders.

Counsel for the Petitioner: MR.E.AJAY REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

O R D E R:

The petitioner seeks a Mandamus declaring the notice, dated 25-06-2005, issued by the third respondent as illegal and arbitrary.

The petitioner-company was incorporated with the aims and objects of establishing the Industries relating to Telecom Systems (electrical and electronic devices, component accessories and towers) and other objects. It is stated that in the year 1989, the petitioner-company initially established an industrial plant under the name and style "M/s ARM Limited (presently ICOMM Tele Limited" in the land in Survey Nos. 47, 58 & 60, situated at Nagaram village, Kesera Mandal, Ranga Reddy District, and from time to time acquired the adjacent lands, in total, to an extent of Ac.49-30 guntas, out of which, an extent of Ac.9-30 guntas in Survey No.88 is the disputed land in this writ petition. It is also stated that the petitioner-company acquired the land-in-question, in different extents, through five sale deeds, dated 30-11-1992, 15-12-1992, 30-12-1992, 30-12-1992 and 20-10-1993 from the pattadars, owners and possessors, on payment of valuable sale consideration and after obtaining 'No Objection Certificates' from the third respondent and paying regularly the land revenue, in respect of the said land. The name of the petitioner-company has been appeared as pattadar and possessor in pahani patrikas of the years 1993-94 onwards. While so, the third respondent issued a show-cause notice, dated 23-04-2005, under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1971(hereinafter referred to as 'the Act') and other similar notices and the petitioner submitted replies to the said notices. Despite the said fact, the third respondent issued notice, dated 25-

06-2005, directing the petitioner-company to vacate the land-in-question. Against the said order the petitioner-company preferred an appeal before the second respondent along with an application seeking interim relief. However, the second respondent has neither disposed of the appeal nor passed any orders in the application seeking interim relief. Hence, the writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and in view of the facts and circumstances of the case, and especially in view of the fact that the appeal filed by the petitioner is pending before the second respondent, I deem it appropriate to direct the second respondent to dispose of the appeal.

The writ petition is accordingly disposed of directing the second respondent to dispose of the appeal filed by the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Pending disposal of the appeal, the second respondent can pass appropriate orders on the application seeking interim relief. Till such time, the respondents shall not interfere with the possession of the petitioner-company in respect of the land-in-question, and the petitioner-company shall not dispose of, alienate or create any third party interest or change the nature of the land-in-question. No costs.

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(ELIPE DHARMA RAO)

Date: 15-07-2005

Note:

Issue operative portion by wire at party's costs.

B/o

ghn

To

1 The District Collector R.R.District
Lakdi-ka-pool Hyderabad.

2 The Revenue Divisional Officer Ranga Reddy District
Goshamahal Hyderabad.

3 The Mandal Revenue Officer
Keesara Mandal Ranga Reddy District.

4 Two CCs to the Government Pleader for Revenue, High Court Buildings,

Hyderabad. (O.U.T.)

5 Two CD copies.